

Frankfort Architectural Review Board

July 19, 2005

Members Present: Dwayne Cook
Joe Johnson
Roger Stapleton (3)

Members Absent: Andrew Casebier
John Downs (2)

There being a quorum, Chairman Stapleton called the meeting to order.

A motion was made by Joe Johnson to approve the minutes of the meeting of April 19, 2005. The motion was seconded by Dwayne Cook and carried unanimously.

The first item of business on the agenda was a request from the First Christian Church for a Certificate of Appropriateness to allow the installation of an awning sign at 316 Ann Street for property zoned Central Business.

Mr. Robert Hewitt, Senior Planner, was present for the staff report. Mr. Hewitt stated on April 18, 2005 the church was issued a building permit to allow the installation of a canvas awning at the main entrance to the Life Center Building along Ann Street. He added that upon final inspection by the Building Inspector, it was discovered signage was applied to the awning.

Mr. Hewitt stated the applicable criteria for this request is Article 4.248 of the Zoning Ordinance and reads "signs not placed on lintels, transoms or display windows shall require ARB approval before a sign permit can be issued". He stated awning signage was present on other buildings located within the Central Business district and cited them as: 115 West Main Street, 310 Ann Street and 314 Lewis Street. Mr. Hewitt stated based on the analysis of the applicant's sign proposal and applicable criteria from the zoning ordinance staff recommended approval of the applicant's request for the installation of a 24.0 square foot canopy sign facing Ann Street with the conditions that no illumination be permitted and approval by the ARB is limited to the requested 24.0 square foot canopy sign along Ann Street as submitted by the applicant. Mr. Hewitt requested his verbal and written testimony be entered into the record.

Mr. Russ McClure was present on behalf of the Church. He stated that they made the request for the awning as part of a security problem and the church was sprawled. He stated the administrative offices are where the awning is. He stated they did not realize it was a "sign".

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Cook to approve the request as submitted with the two staff conditions being adhered to. The motion was seconded by Mr. Johnson and carried unanimously.

The final item of business was a request from Shirley Blackwell for a Certificate of Appropriateness to construct a vinyl fence at 747 Woodland Avenue for property zoned Special Capital. This item was tabled from the April 19, 2005 meeting.

Mr. Robert Hewitt, Senior Planner, was present and stated on April 19, 2005 the ARB heard a request for a vinyl fence. He stated during testimony, the applicant/property owner stated that the fence was installed to screen the view of debris and deter the rodent traffic from the

adjoining property located at 743 Woodland Avenue. Mr. Hewitt stated that the Planning Staff testified that the Frankfort Code Enforcement Board had a case pending, citation #050603, relating to the debris. At that time, the ARB tabled the applicant's request to allow the Code Enforcement Board an opportunity to hear the pending property maintenance case.

Mr. Hewitt stated the case was going through as a default case with the Code Enforcement Board and was still under review. Mr. Hewitt stated that the fence was 6 feet tall and that was typical but not for a front yard requirement which is 4. He added that 8.69 feet is the average setback for the area. Mr. Hewitt requested his written and verbal testimony be entered into the record.

Mr. Granville Coblin was present for Ms. Blackwell. He stated the trash is still in the front and back of the adjacent property. He stated that he was aware that the Board had previously been pursuing a vinyl fence request and questioned how that had come out. He stated that Shaw Lane is 8.5 wide and the City does not send their trucks down it. He stated there are other vinyl fences in the area and cited some on Woodland Avenue, Shelby Street, Carriage Street, Capital Avenue and submitted photos. Mr. Coblin stated Ms. Blackwell would not object to removing the last panel. He stated that a chain link fence would not cover up the debris of the adjacent property. He stated the vinyl was for low maintenance. Ms. Blackwell was present but had nothing to add.

Mr. Johnson stated one of the photos they submitted was a picture of a fence the Board had denied. Mr. Edwin Logan, Board Attorney, stated the case is on appeal. Mr. Stapleton stated he understood the need to block out the view but that the applicant should have talked to staff prior to installation and they could have advised her of the regulations. Mr. Stapleton stated vinyl is not that great a material. Mr. Johnson stated he had no problem with the setback and the height but did have some problems with the vinyl, especially since they denied a case on Capital Avenue. Mr. Cook stated he was struggling too and did not like vinyl but did not know how to stop the trend. He stated he felt it was hard to deny the request since there was so much vinyl in the area. Mr. Stapleton stated he did not like vinyl and added he did not like the adjacent property owner taking advantage of them and affecting the quality of life for Ms. Blackwell.

Mr. Coblin stated the fence company contractor should have known a permit was needed and advised her. He added if Ms. Blackwell had known a permit was needed she would have abided by that. Mr. Cook was in agreement that the contractor should have known the requirements but that ultimately it is the property owner's responsibility to know the regulations. Mr. Johnson stated he felt the situation next door was an extenuating circumstance.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Cooke to approve the request as there are several other vinyl fences in the area and treat Shaw Lane as a front yard and require the last panel be removed for an 8 foot setback and she could put up a four foot panel in its place. The motion was seconded by Mr. Stapleton. Those voting in favor: Mr. Cook. Those voting against: Mr. Johnson and Mr. Stapleton. The motion failed.

A motion was made by Mr. Johnson to approve the fence as built and with Shaw Lane not being considered a frontage street. There was no second to the motion.

Mr. Hewitt stated if this were tabled the applicant could request a code amendment to change Article 17. Mr. Stapleton stated they did not want that.

A motion was made by Mr. Cook to approve the request and allow the fence to stay but that the last panel be removed or reinstalled at a 4 foot height. The motion was seconded by Mr. Johnson. Those voting in favor: Mr. Cook and Mr. Johnson. Those voting against: Mr. Stapleton. The

motion carried by a vote of 2-1.

A motion was made by Joe Johnson to adjourn. The motion was seconded by Dwayne Cook and carried unanimously.

Chairman Roger Stapleton

Recording Secretary Dianna Rogers